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the same lineage. Let not the student imagine it to be so recondite as to discourage the perseverance requisite for its mastery.

To both practical lawyer and student it will be found to possess value, for, above all else, its unquenchable spirit will inspire and refresh all real lovers of the law.

Hampton L. Carson.

THE PROJECT OF A PERMANENT COURT OF INTERNATIONAL JUSTICE AND RESOLUTIONS OF THE ADVISORY COMMITTEE OF JURISTS. Report and Commentary by James Brown Scott. Published by the Carnegie Endowment for International Peace, Washington, 1920, pp. 235.

This little book takes the form of a letter to the Carnegie Endowment for International Peace by James Brown Scott, Secretary and Director of the Division of International Law, describing the personnel, proceedings and conclusions of the advisory committee of jurists invited by the Council of the League of Nations to prepare a plan for a permanent Court of International Justice.

After an account of the members and the proceedings, we have the text of the project finally adopted, with comments; the resolutions of the committee; the French and English texts of the project and resolutions; the Covenant of the League of Nations, and, in the appendix, the text of various recent projects for a court of international justice. The student has thus, in easily accessible form, the materials necessary for a study of the subject.

The work which Mr. Scott here has undertaken requires no originality or display of literary workmanship, and calls for no criticism except perhaps the remark that some of the comments on the text seem somewhat unnecessary. The chief interest lies in the work of the committee. These learned men met at the Hague during the months of June and July of 1920, and too much cannot be said in praise of their self-denying efforts in the cause of international peace, and, if the work they have done fails, it will fail not because of any omission on their part but because of circumstances over which they had no control, and which circumstances are, in brief, the present undeveloped state of the society composed of the independent states of the world, a society which has as yet developed no political power nor any means of exercising such power even if it were in existence. An effective court of justice is necessarily based on the presence of sufficient political power to enforce its decrees. It appears that one of the principal points of difficulty was whether the jurisdiction of the court should be compulsory and that the compulsory features of the plan adopted were discarded by the Assembly of the League of Nations in subsequent session at Geneva. It is clear, however, that a compulsory provision for compulsory jurisdiction will be fruitless in the absence of any power to enforce it, and that discussion over whether such a provision shall be inserted is, after all, purely academic except in so far as such a provision may be in the nature of a seed from which a compulsory jurisdiction may come into being in the future.

The other principal difficulty lies in the manner of appointing the judges. In this respect the committee did the best they could under the present circumstances. The ideal court will undoubtedly consist of judges appointed for life and giving their entire time to the business of the court. The appointing power

must be independent and reside in the political power which is back of the court, and thus we are brought again to what may be said to be the *pons asinorum* of the entire project.

The Carnegie Endowment has rendered a distinctive service in printing in so accessible a form these original materials for the student of international law.

Roland R. Foulke.

FREEDOM OF SPEECH. By Zechariah Chafee Jr., Professor of Law, Harvard University. Harcourt, Brace and Howe, 1920, pp. 431.

When the hosts of Cambyes invaded Egypt, it is recorded that the Egyptian soldiers refused to fight and were slain unresisting, because each invader bore before him a cat bound to his arm as a shield. This superstitious fear, in the light of modern reason, appears grotesque; but neither the Declaration of Independence nor the Constitution of the United States changed human nature. Strong men are swept down, and the most cherished hopes of a christian world yield under stress and strain of hysteria.

When the mobs of Paris, wild with their new liberty and drunk with power, challenged the established institutions of the world, 300,000 Jacobins dominated the 26,000,000 people of France. Driven by fear of losing their liberty they destroyed the monarchy, established the worship of the Goddess of Reason, attempted to reduce the population to 5,000,000, and did massacre 3,000,000 persons before their madness was checked.

A small minority of the people of Russia organized as demagogic despots, are repeating on a larger scale the horrors of the French Revolution. Little wonder that mankind is apprehensive. During four and a half years the fiery concentrated energy of the human race has been applied to the principle of self-preservation; whatever a strong and preponderant public opinion regarded as inimical to the public welfare was treated as within the scope of the police power to restrain, and constitutional limitations were impotent to furnish protection.

Matthew Arnold proposed in the interest of honest thinking that we cease to employ those expressions which have been spoiled by long and continued misconception and misuse. Among such battered terms he designated the word Liberty.

The misconception and consequent bewilderment of the unthinking is due to the apprehension of liberty as an abstract, and not a relative quantity. Having absorbed Jefferson's declaration "that each human being with the endowment of life from the hand of God starts with the inalienable rights of life, liberty and the pursuit of happiness," some minds are unable to discriminate between the absolute civil and political liberty of a man on an uninhabited island, and his relative rights and duties as an individual dwelling in a society restricted by law, where the citizen must consider not himself alone, but the entire body politic of which he is but one, and submit to such restraints as the sovereign of which he is a part, imposes.

Herodotus, describing the freemen of Greece, said—"though free they are not absolutely free for they have a master over them, the law."